

## **REMARKS**

Claims 33-35, 37 and 39-43 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 102**

Claims 33-35, 37 and 39-43 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Berstis et al. (US 6,650,894). Applicants request reconsideration of this rejection in view of the following comments.

#### **A. Claims 33, 34 and 41**

Claim 33 recites the feature of an “operating unit configured to (i) determine ... whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the level of sound output of the first apparatus”.

Applicants respectfully submit that Berstis does not disclose or suggest the above-noted feature recited in claim 33, and kindly request that the Examiner reconsider the rejection in view of the following comments.

Regarding Berstis, Applicants note that this reference discloses that, between 8 PM and 7 AM, turning off the audio output of a phone when within a particular proximity of another phone is higher in priority than increasing the volume of the audio output of the phone when the sound (decibel) level is detected to be above a predetermined level (see col. 5, lines 33-40).

Berstis also discloses that multiple conditions can be set, where each of the multiple conditions is adjusting a different type of usage level (see col. 5, lines 41-52). In addition, Berstis discloses that a parents’ electronic device may transmit a control code to a child’s electronic device to specify to reduce the volume of output of the child’s electronic device when

the child's electronic device is within a particular proximity of the parents' electronic device (see col. 6, lines 8-20).

Based on the foregoing, Applicants note that while Berstis discloses that multiple conditions can be set, such as turning off the audio output of a phone when within a particular proximity of another phone and increasing the volume of the audio output when the sound level is detected to be above a predetermined level, that Berstis does not disclose that the level of sound output of the phone is changed based on the level of sound output of the other phone.

As such, Applicants respectfully submit that Berstis does not disclose or suggest the above-noted feature recited in claim 33 of an “operating unit configured to (i) determine ... whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the level of sound output of the first apparatus”.

In this regard, as explained in MPEP 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”.

Accordingly, Applicants submit that claim 33 is patentable over Berstis, an indication of which is kindly requested. Claims 34 and 41 depend from claim 33 and are therefore considered patentable at least by virtue of their dependency.

*B. Claims 35, 39 and 42*

Claim 35 recites the feature of an operating unit configured to (i) determine whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit decreases the level of sound output of the

second apparatus or turns off the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned on, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

Applicants respectfully submit that Berstis does not disclose or suggest the above-noted features recited in claim 35, and kindly request that the Examiner reconsider the rejection in view of the following comments.

Initially, Applicants note that on page 5 of the Office Action, the Examiner has stated that “[c]laim 35 has been analyzed and rejected according to claim 33”. Regarding this comment by the Examiner, Applicants respectfully point out that the above-noted features recited in claim 35 directed to (i) the state of power of the first apparatus being utilized to determine whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, and (ii) the level of the sound output of the second apparatus decreasing or the second apparatus being turned off upon an indication that the first apparatus has been turned on, are **not** included in claim 33.

Accordingly, Applicants submit that the statement in the Office Action indicating that “[c]laim 35 has been analyzed and rejected according to claim 33” does not adequately address the above-noted features recited in claim 35.

Further, with respect to the disclosure of Berstis, as noted above, while Berstis discloses that multiple conditions can be set, such as turning off the audio output of a phone when within a particular proximity of another phone and increasing the volume of the audio output when the sound level is detected to be above a predetermined level, Applicants submit that Berstis does not disclose or in any way suggest the above-noted features recited in claim 35 of an operating unit configured to (i) determine whether or not to change a level of sound output of the second

apparatus or turn off the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit decreases the level of sound output of the second apparatus or turns off the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned on, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

In view of the foregoing, Applicants submit that claim 35 is patentable over Berstis, an indication of which is kindly requested. Claims 39 and 42 depend from claim 35 and are therefore considered patentable at least by virtue of their dependency.

C. Claims 37, 40 and 43

Claim 37 recites the feature of an operating unit configured to (i) determine whether or not to change a level of sound output of the second apparatus or turn on the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit increases the level of sound output of the second apparatus or turns on the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned off, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

Applicants respectfully submit that Berstis does not disclose or suggest the above-noted features recited in claim 37, and kindly request that the Examiner reconsider the rejection in view of the following comments.

In particular, with respect to the disclosure of Berstis, as noted above, while Berstis discloses that multiple conditions can be set, such as turning off the audio output of a phone

when within a particular proximity of another phone and increasing the volume of the audio output when the sound level is detected to be above a predetermined level, Applicants submit that Berstis does not disclose or in any way suggest the above-noted features recited in claim 37 of an operating unit configured to (i) determine whether or not to change a level of sound output of the second apparatus or turn on the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus, wherein said operating unit increases the level of sound output of the second apparatus or turns on the second apparatus when (i) the information included in the notification signal indicates that the first apparatus has turned off, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold.

Also, on pages 6 and 7 of the Office Action, Applicants note that the Examiner has relied on col. 19, lines 18-21 of Berstis. Applicants point out, however, that Berstis does not include a column 19.

In view of the foregoing, Applicants submit that claim 37 is patentable over Berstis, an indication of which is kindly requested. Claims 40 and 43 depend from claim 37 and are therefore considered patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kei YASUDA et al.

/Kenneth W. Fields/

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